



കേരള ഗസറ്റ് KERALA GAZETTE

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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PART III

Notifications by Heads of Departments Commissionerate of Excise

PROCEEDINGS OF THE COMMISSIONER OF EXCISE, KERALA, THIRUVANANTHAPURAM
(Present : Rishi Raj Singh IPS)

Sub:—Excise Establishment—Reassignment of Seniority of Sri Divakaran, T. V. and late Jayaprakash, K. R. in the cadre of Asst. Excise Inspector—Reassignment—Orders issued.

Read:—(1) Order No. XD3-37850/2003 dated 2-11-2004.

(2) Final order of Hon'ble KAT in OA (Ekm) 1245/2016 dated 19-2-2019 filed by Sri Divakaran, T. V., Excise Inspector.

(3) Letter No. A3 OA (Ekm) 1245/2016 dated 18-3-2019 of the Advocate General, Kerala.

Order No. XD3-116138/2019 dated 7-6-2019

Sri Divakaran, T. V. has filed OA (Ekm) 1245/2016 before the Hon'ble Kerala Administrative Tribunal with a plea to reassign his seniority in the cadre of Assistant Excise Inspector, Excise Inspector and Circle Inspector of Excise. Hon'ble Kerala Administrative Tribunal in its common order dated 19-2-2019 in TA No. 4916 of 2012, OA No. 33 of 2016, OA (Ekm) Nos. 691 & 1245 of 2016 has dismissed T.A. No. 4916 of 2012 [WP(c)/OP 12682/08] and O.A. (Ekm) No. 1245 of 2016 filed by Sri Divakaran, T. V. with a plea to promote him to the cadre of Excise Inspector and Circle Inspector of Excise.

The applicant being a scheduled Tribe, has claimed the exemption granted to members of SC/ST communities for getting promotion under Rule 13 (A) (1) (a) of the KS & SSR. The period of probation provided under Rule 81 of the special Rules is two years of duty within a period of three years. Under rule 13 A (2) of the KS & SSR, as far as SC/ST candidates are concerned, they need to pass the tests only within two years if they are promoted as they are entitled for exemption. Therefore there is a test holiday for 5 years. As he has passed the Account test on 6-1-2003, within the said 5 year period, he claimed that he ought to have been promoted along with others.

(2) The Hon'ble Court has also ordered that "Annexure A11 & A12 produced in O.A. No. 33 of 2016 and O.A. (Ekm) No. 691 of 2016 to the extent to which it is directed that the third respondent in O.A. No. 33 of 2016 late Sri K. R. Jayaprakash and 4th respondent in O.A. (Ekm) No. 691 of 2016 Sri T. V. Divakaran are entitled for regular promotion to the post of Assistant Excise Inspector in the first vacancy which arose after 6-1-2003 is set aside. The Hon'ble Court has declared that they are entitled for regular promotion to the post of Assistant Excise Inspector in the first vacancy which arose after 4-4-2003 and their seniority in the post of Assistant Excise Inspector in Annexure A1 seniority list (published vide order XD3-37850/2003 dated 2-11-2004) produced in O.A. No. 33 of 2016 will be refixed accordingly.

Consequently, their eligibility for regular promotion to the post of Excise Inspector will also be re-determined and their seniority in the seniority list annexure A7 produced in O.A. No. 33 of 2016 in the said post will be reassigned. Annexures A14 and A19 in O.A. No. 33 of 2016 [Annexure A 18 in O.A. (Ekm) No. 691 of 2016] as well as Annexure A21 in O.A. (Ekm) No. 691 of 2016 are accordingly set aside. There will thus be a direction to the second respondent to reassign the seniority of late Sri K. R. Jayaprakash and Sri T. V. Divakaran, respectively respondents 3 and 4 in O.A. (Ekm) No. 691 of 2016, in the post of Assistant Excise Inspector and Excise Inspector on the respective dates and appropriate orders will be passed within a period of six weeks from the date of receipt of a certified copy of this order.

In accordance with the above orders the eligibility of late Sri K. R. Jayaprakash and Sri T. V. Divakaran for regular promotion to the post of Excise Circle Inspector will be determined and appropriate orders will be passed giving promotion to them in the said post. As late Sri K. R. Jayaprakash expired on 18-9-2016, if his entitlement for regular promotion is found to be on a date prior to 18-9-2016, monetary benefits till the date of his death in the appropriate scale of pay will also be sanctioned and the due monetary benefits on all counts will be sanctioned and disbursed to the additional respondents 4 to 6 in O.A. No. 33 of 2016 within a further period of two months thereafter.

O.A. No. 33 of 2016 and O.A. (Ekm) No. 691 of 2016 are accordingly partly allowed".

(3) The seniority list of Assistant Excise Inspector for the period from 1-11-1996 to 31-12-2003 was published vide order read 1st above. In the seniority list Sri Divakaran, T.V. and Late Jayaprakash, K. R. were included as 485&488 respectively with date of assignment as 1-2-2003.

(4) In these circumstances the seniority of Sri. Divakaran, T.V. and Late Jayaprakash, K.R. in the cadre of Assistant Excise Inspector is reassigned as Sl. Nos. 511 A & 511 B in between S/Sri Balakrishnan, M. S. and Krishnankutty, M. with date of assignment as 1-5-2003, in the first vacancy that arose after 4-4-2003 as directed in the Court order read 2nd above.

(5) Order read 2nd above is partly complied with.

Excise Commissioner,
Thiruvananthapuram.

(Sd.)
Excise Commissioner.

**PROCEEDINGS OF THE ADDITIONAL EXCISE COMMISSIONER (ADMN), COMMISSIONERATE OF EXCISE
THIRUVANANTHAPURAM**

(Present : D. Rajeev IOFS)

*Sub:—*Excise Establishment—Final Seniority List of Typist for the period from 1-1-2013 to 31-12-2015
Modified—Orders issued.

Read:—(1) Order No. XE9-16424/10 dated 20-7-2013.

(2) Application of Smt. T. S. Sujamol, L.D. Typist dated 19-4-2018.

(3) Order No. EXC/1850/18-XE9, dated 24-6-2019.

(4) Order No. XE9-11940/15, dated 30-7-2016.

Order No. EXC-1850/18-XE9 dated 20-8-2019

As per order read first above the Seniority List of Typists in the Excise Department for the period from 1-6-2009 to 31-12-2012 was finalised. Smt. T. S. Sujamol in her application read as 2nd paper above has submitted that she is placed below Smt. Mridula Jalajan in the Seniority List even though she is ranked 4th and Smt. Mridula Jalajan who is rank 89th in the Rank list of Typist published by KPSC. Hence she has requested to modify the Seniority List of Typist in Excise Department and to place her above Smt. Mridula Jalajan. Considering the application of Smt. T. S. Sujamol both the parties were given an opportunity of being heard. At the time of hearing both parties submitted statements and records substantiating their claims. Based on the report of KPSC, Ernakulam and after evaluating the facts with regard to proviso to Rule 28 (a) of Kerala State and Subordinate Service Rules it is found that the claim put forth by Smt. T. S. Sujamol to fix her Seniority just above Smt. Mridhula Jalajan is on valid grounds. Hence the Seniority List of Typist issued as per order read 1st above was modified by interchanging the seniority of T. S. Sujamol as Serial No. 43 and Smt. Mridhula Jalajan as Serial No. 44 as per order read 3rd above.

(2) The seniority list of Typists in the Department for the period from 1-1-2013 to 31-12-2015 was finalised and published as per order read 4th above, wherein Smt. T. S. Sujamol was placed as Sl. No. 32 and Smt. Mridula Jalajan as Sl. No. 31. In view of details mentioned at prepara, the order read 4th above is modified refixing the seniority of Smt. T. S. Sujamol as serial No. 30 A just above Smt. Mrudhula Jalajan (serial No. 31). The order read as 4th paper above stands modified to this extent.

Office of the Excise Commissioner,
Thiruvananthapuram.

(Sd.)
Addl. Excise Commissioner.